



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,890	08/15/2001	Jong-Cheol Bae	678-671 (P9671)	9315

7590 07/27/2006

Paul J. Farrell, Esq.
DILWORTH & BARRESE, LLP
333 Earle Ovington Blvd.
Uniondale, NY 11553

EXAMINER

HASHEM, LISA

ART UNIT	PAPER NUMBER
----------	--------------

2614

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/929,890

Applicant(s)

BAE ET AL.

Examiner

Lisa Hashem

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5-1-06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

FINAL DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,377,664 by Gerszberg et al, hereinafter Gerszberg in view of U.S. Patent No. 6,449,498 by Kirbas et al, hereinafter Kirbas.

Regarding claim 1, Gerszberg discloses a method of alerting a user of an occasion date (e.g. birthday, anniversary) when a call is received in a phone (e.g. videophone; Fig. 1, 130) having a screen displaying function (col. 6, lines 39-43), comprising:
accepting a call on a phone, the call intended for a user (e.g. called party) (col. 9, lines 45-54);
determining whether today is a registered occasion date;
displaying a first predetermined image (e.g. standard greeting) for a screen on the phone for viewing by the user, if today is not the registered occasion date; and
displaying a second predetermined image for the screen if today is the registered occasion date to remind the user of the registered occasion date (col. 9, line 17 – col. 11, line 3).

Gerszberg does not disclose an idle mode screen displaying function and changing the first predetermined image to a second predetermined image.

Kirbas discloses a method of alerting a user of an occasion date (e.g. birthday, anniversary) in a phone (Fig. 2) having an idle mode (e.g. standby mode) screen displaying function, comprising (col. 2, line 40 – col. 4, line 11):

determining whether today is a registered occasion date (col. 2, line 65 – col. 3, line 52);

displaying a first predetermined image (e.g. default banner; Fig. 1, 14) for an idle mode screen on the phone for viewing by the user, if today is not the registered occasion date (col. 3, lines 53-61); and

inherently changing the first predetermined image (e.g. default banner) (col. 3, line 62 – col. 4, line 4) to a second predetermined image (e.g. unique banner (heart shape); Fig. 1, 13) if today is the registered occasion date to remind the user of the registered occasion date (e.g. wherein in the dynamic banner mode the default banner is displayed everyday if a calendar does not indicate a special date and if the calendar does indicate a special date then the default banner is changed to the unique banner).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Gerszberg to include an idle mode screen displaying function and changing the first predetermined image to a second predetermined image as taught by Kirbas. One of ordinary skill in the art would have been lead to make such a modification to display specific images on a screen of a phone during idle mode, wherein what image being displayed is determined on a registered occasion date. A first predetermined image (e.g. default banner) is always displayed in the idle mode and changed to a second predetermined image (e.g. unique banner) on an occasion or special date (e.g. birthday, anniversary). A user is alerted of the occasion date when a call is received in the phone and the user looks at the display.

Art Unit: 2614

Regarding claim 2, the method of claim 1 mentioned above, wherein Kirbas further discloses:

designating a date selected by the user as the registered occasion date; and

registering an image selected by the user among idle mode screen images stored in the phone with respect to the registered occasion date (col. 3, lines 34-52).

3. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent Application Publication No. US 2004/0014459 by Shanahan et al, hereinafter Shanahan.

Regarding claim 3, Shanahan discloses a method of alerting a user of an occasion date (e.g. birthday) in a phone (Figs. 5 and 6, element 20; Fig. 7; section 0022, lines 1-10) having an incoming call ring sound (e.g. ring sequence) alteration function (section 0045, lines 1-13), comprising:

entering an occasion date registration mode (e.g. signature feature) on a phone;

displaying an occasion date registration screen on the phone, the occasion date registration screen including a menu for the user to select an occasion date and incoming call ring sound (e.g. audio file);

registering the occasion date;

accepting a call on a phone, the call intended for a user;

determining whether today is a registered occasion date;

setting a first predetermined ring sound as an incoming call ring sound on the phone if today is not the registered occasion date (e.g. playing a signature file based on the caller's telephone number); and

Art Unit: 2614

setting a second predetermined ring sound (e.g. audio file) is played, if today is the registered occasion date (e.g. a predetermined time) to remind the user of the registered occasion date (section 0044, line 1 – section 0045, line 13).

Shanahan does not disclose changing the first predetermined ring sound to a second predetermined ring sound.

However, Shanahan does disclose a user can program the phone so that certain signature files (incoming call sounds) can be played in response to receiving a call from a caller based on the caller's telephone number (e.g. setting a first predetermined ring sound as an incoming call ring sound on the phone if today is not the registered occasion date) and setting a certain signature file to be played at predetermined times (e.g. an occasion, birthday).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Shanahan to include changing the first predetermined ring sound to a second predetermined ring sound. One of ordinary skill in the art would have been lead to make such a modification to play a signature file (e.g. incoming call ring sound) according to a caller's telephone number all the time unless a certain day occurs, in which case a different signature file is played (e.g. 'Happy Birthday').

Regarding claim 4, the method of claim 3 mentioned above, wherein Shanahan further discloses:

designating a date selected by the user as the registered occasion date; and
registering a ring sound selected by the user among ring sounds inherently stored in the phone with respect to the registered occasion date (section 0025, line 1 – section 0026, line 21; section 0044, line 1 - section 0045, line 13; section 0051, lines 1-8; Figs. 5-7).

Art Unit: 2614

4. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerszberg in view of Kirbas.

Regarding claim 5, Gerszberg discloses a method of alerting a user of an occasion date (e.g. birthday, anniversary) when a call is received in a phone (e.g. videophone; Fig. 1, 130) having a screen displaying function and an incoming call ring sound alteration function (e.g. video with audio) (col. 6, lines 39-43; col. 7, line 66 – col. 8, line 23), comprising: accepting a call on a phone, the call intended for a user (e.g. called party) (col. 9, lines 45-54); checking whether today is a registered occasion date; displaying a first predetermined image for a screen on the phone for viewing by the user and playing a first predetermined ring sound as an incoming call ring sound (e.g. standard greeting; video with audio), if today is not the registered occasion date; and displaying a second predetermined image and playing a second predetermined ring sound as the incoming call ring sound, if the today is the registered occasion date to remind the user of the registered occasion date (col. 9, line 17 – col. 11, line 3).

Gerszberg does not disclose an idle mode screen displaying function.

Kirbas discloses a method of alerting a user of an occasion date (e.g. birthday, anniversary) in a phone (Fig. 2) having an idle mode (e.g. standby mode) screen displaying function, comprising (col. 2, line 40 – col. 4, line 11): determining whether today is a registered occasion date (col. 2, line 65 – col. 3, line 52); displaying a first predetermined image (e.g. default banner; Fig. 1, 14) for an idle mode screen on the phone for viewing by the user, if today is not the registered occasion date (col. 3, lines 53-61); and

Art Unit: 2614

inherently changing the first predetermined image (e.g. default banner) (col. 3, line 62 – col. 4, line 4) to a second predetermined image (e.g. unique banner (heart shape); Fig. 1, 13) if today is the registered occasion date to remind the user of the registered occasion date (e.g. wherein in the dynamic banner mode the default banner is displayed everyday if a calendar does not indicate a special date and if the calendar does indicate a special date then the default banner is changed to the unique banner).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Gerszberg to include an idle mode screen displaying function as taught by Kirbas. One of ordinary skill in the art would have been lead to make such a modification to display specific images on a screen of a phone during idle mode, wherein what image being displayed is determined on a registered occasion date. A first predetermined image (e.g. default banner) is always displayed in the idle mode. A user is alerted of the occasion date visually and audibly when a call is received in the phone.

Regarding claim 6, the method of claim 5 mentioned above, wherein Gerszberg in view of Kirbas further discloses:

designating a date selected by the user as the registered occasion date; and
registering an image and a ring sound (e.g. video with audio) selected by the user among idle mode screen images and ring sounds stored in the phone with respect to the registered occasion date (Gerszberg: col. 7, line 66 – col. 8, line 23; col. 8, lines 49-59; col. 9, lines 17-54; Kirbas: col. 3, lines 34-52).

Response to Arguments

5. Applicant's arguments filed 5-1-06 have been fully considered but they are not persuasive. Please see all rejections above.

6. In response to Applicant's remarks regarding claim 1 that Gerszberg does not teach '...an apparatus which alerts the user of the telephone of an occasion date when a call is received and displays an image on the called party's phone for viewing (i.e., the same phone). As such, the user of the phone is a called party and the operations are performed on the same phone...'. Examiner disagrees. Gerszberg clearly discloses that an image can be displayed on the

videophone of the called party when an incoming call from a caller is received (col. 6, lines 39-43), wherein the videophone can display an image, for example, a 'happy anniversary' indicating an occasion date to the caller and that same image can be displayed on the videophone (col. 9, lines 45-49). The display (Fig. 3A, 141) of the called party's videophone shows the image seen by the caller. Thus, Gerszberg discloses the claimed limitations.

In response to applicant's argument regarding claim 3, that there is no suggestion of obviousness in Shanahan, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Shanahan discloses that a user can set a first predetermined ring sound and a second predetermined ring sound. A first predetermined ring sound is set when there is no registered occasion date (e.g. a user programs phone to play a

Art Unit: 2614

signature file for particular incoming callers in order to identify a caller) (section 0045, lines 1-3). A second predetermined ring sound is set when today is a registered occasion date to remind the user of the registered date (e.g. birthday, holiday) (section 0045, lines 8-13). It would be obvious that the first predetermined ring sound would be set as an incoming call ring sound when today is not the occasion date (e.g. playing a signature file based on the caller's telephone number normally everyday) and a usual incoming call ring sound or first predetermined ring sound is changed to a ring sound registered for the occasion day (e.g. 'Happy Birthday') (section 0045, lines 8-13), since the user has programmed to play a certain signature on a certain day in order for the user to enjoy the occasion day and to remind the user of the occasion day when a function (e.g. an incoming call) is performed on the phone. Thus, Shanahan discloses the claimed limitations.

In response to Applicant's remarks regarding claim 5 that Gerszberg does not teach '...playing a first predetermined ring sound as an incoming ring sound, if today is not the registered occasion date and playing a second predetermined ring sound as the incoming call ring sound, if today is the registered occasion date to remind the user of the registered occasion date...'. Examiner disagrees. Gerszberg clearly discloses playing a first predetermined ring sound as an incoming ring sound (e.g. a standard greeting that may have video with audio), if today is not the registered occasion date (e.g. normally when a calling party calls) (col. 10, lines 18-46) and playing a second predetermined ring sound as the incoming call ring sound (e.g. a time sensitive/seasonal greeting that may have video with audio), if today is the registered occasion date (e.g. anniversary) to remind the user of the registered occasion date. A customized greeting can be played on the videophone of the called party when an incoming call from a caller

Art Unit: 2614

is received (col. 6, lines 39-43), wherein the videophone can play a greeting, for example, a 'happy anniversary' indicating an occasion date to the caller and that same greeting can be played on the videophone (col. 9, lines 45-49). Thus, Gerszberg discloses the claimed limitations.

In conclusion, the prior art teaches the claimed limitations.

Conclusion

7. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Or call:

Art Unit: 2614

(571) 272-2600 (for customer service assistance)

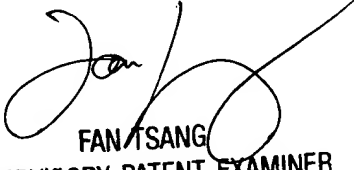
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LH

lh
July 18, 2006


FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600